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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,677	09/28/2001	Kenneth J. Lancos	5243P002	8026

8791 7590 10/24/2003

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

PAIK, STEVE S

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/966,677	LANCOS ET AL.	
	Examiner	Art Unit	
	Steven S. Paik	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed July 23, 2003. The Amendment includes amended claims 19, 22-27 and cancellation of claims 28-32.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sher (US 5,566,327) in view of Miyata (US 6,484,947).

Re claims 1, 5, 6, 11, 12, 22 and 25, Sher discloses a computerized theme park information management system using either contact type or non-contact type smart cards and a method of keeping an accurate record of monetary transactions. The system comprises steps of receiving payment from a guest (steps 105-107 in Fig. 6A) for monetary credits; reading an identification tag (114 in Fig. 6B) to get identifying information. The steps further include accessing a guest data object using the tag identifier (col. 4, ll. 57-61) and modifying information related to monetary credits in a data field of a guest data object based on an amount of the payment (col. 2, line 38). Sher further discloses that the visitors (guests) may select the card type they prefer to use during their visit, keep as a souvenir or collectors item, or even reuse at a subsequent visit.

Although the visitors may choose different graphics, colors, logos or text imprinted on the card body, Sher does not explicitly disclose that a guest may wear the card.

Miyata discloses a portable non-contact type personal identification system. The system making utilization of data storage media is used as a means for facilitating the checking of visitors (guests), the identifying of persons, or the administering of payments of fees etc. in recreation sites and facilities with a capacity of accommodating a large number of people such as sports stadiums, large-scale exhibition halls, and amusement parks (col. 1, ll. 12-20). Miyata further discloses fundamental functions of non-contact type personal identification, which is almost identical to that of Sher. In addition, Miyata's invention is integrating a data storage medium to a wearable object such as a wristwatch to form a portable and wearable non-contact type personal identification system. Through the integration process one can eliminate the repeated action of taking the storage medium in or out of a pocket, a wallet, or a bag. The process further reduces a possibility of losing the storage medium resulted in frequent requirement of presenting it close to its reading device.

In view of Miyata reference, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the integration step of combining a non-contact type data storage medium with a human wearable object such as a wristwatch in addition to a non-contact card type data storage device of Sher due to the fact that the data storage medium can be read by a reading device without taking it in and out of a pocket, a wallet or a bag frequently for the purposes of providing convenience to the data storage medium holder and reducing the possibility of losing the device. Furthermore, such modification

of integrating a data storage medium into a wristwatch would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

Re claims 2-4, Sher in view of Miyata discloses the method as recited in rejected claim 1 stated above, where receiving said payment is by a credit card, a debit card or cash (col. 5, ll. 20-22 of Sher).

Re claim 7, Sher in view of Miyata discloses the method as recited in rejected claim 1 stated above, in which modifying said monetary credits information comprises a processor modifying said monetary credit information stored in the data field of the guest data object (208 in Fig. 7A and col. 2, ll. 1-20 of Sher).

Re claims 8 and 9, Sher in view of Miyata discloses the method as recited in rejected claim 1 stated above, further comprising transmitting said tag identifier and said payment amount from a service terminal or kiosk system to a central server by way of a communication link (link 23 or 16 in Fig 1 and col. 5, ll. 7-11).

Re claim 10, Sher in view of Miyata discloses the method as recited in rejected claim 1 stated above, further comprising:

transmitting a digital photograph information of the guest from the service terminal or kiosk system to the central server by way of the communication link; and

writing the digital photograph information in a second data field of the guest data object. Sher discloses a way of verification process using biometric characteristics such as fingerprints, voice, digital signature, picture or retina of a card holder (col. 4, ll. 61-65).

Re claims 13 and 14, Sher in view of Miyata discloses the method as recited in rejected claim 11 stated above, in which the input device comprises a keyboard. Sher discloses a visitor

(guest) entering his/her demographic data for the guest card (tag) in step 104 of Fig. 6A. It is well known and easy to find a keyboard or touch screen type (col. 5, ll. 15-17) of input device in a service terminal or kiosk at sports stadiums, large-scale exhibition halls, and amusement parks.

Re claim 15 and 16, Sher in view of Miyata discloses the method as recited in rejected claim 11 stated above, further comprising a display for displaying information related to the purchase of the monetary credits (col. 5, ll. 4-7). In addition, it is well known for a POS service station like PC-machine 14 of Sher's invention to include a printer to generate a receipt or report what services and products were delivered at what data and time at which location, and what visitor did use his/her card (col. 7, ll. 32-36).

Re claim 17, Sher in view of Miyata discloses the method as recited in rejected claim 11 stated above, further comprising a digital camera (12) for taking a digital photograph of said guest and wherein said processor (within the PC-machine 14) is capable of transmitting said digital photograph of said guest to said central server by way of said network interface (Fig. 1 and col. 4, ll. 62-65).

Re claim 18, Sher in view of Miyata discloses the method as recited in rejected claim 11 stated above, further comprising a credit or debit card reader to read information from a credit or debit card, and wherein said processor is capable of transmitting said credit or debit card information to said central server by way of said network interface (col. 5, ll. 20-25).

Re claim 19, Sher discloses a central server (Fig. 1) to facilitate transactions within a coverage area (such as a theme park) comprises a local non-volatile memory (within each guest card) to store a guest data object including a first data field containing information related to monetary credits (Money-Amount in Guest Card in Fig. 5), a network interface to communicate

with a service terminal (POS station) or kiosk system, and a processor (within the PC-machine 14) to receive information related to a guest of said coverage area (theme park) and information related to said monetary credits and to modify said monetary credits information (col. 2, ll. 32-44; Requested Service and Remaining Balance in Fig. 5 and steps 207 and 208 in Fig. 7A).

Although the visitors may choose different graphics, colors, logos or text imprinted on the card body, Sher does not explicitly disclose that a guest may wear the card.

Miyata discloses a portable non-contact type personal identification system. The system making utilization of data storage media is used as a means for facilitating the checking of visitors (guests), the identifying of persons, or the administering of payments of fees etc. in recreation sites and facilities with a capacity of accommodating a large number of people such as sports stadiums, large-scale exhibition halls, and amusement parks (col. 1, ll. 12-20). Miyata further discloses fundamental functions of non-contact type personal identification, which is almost identical to that of Sher. In addition, Miyata's invention is integrating a data storage medium to a wearable object such as a wristwatch to form a portable and wearable non-contact type personal identification system. Through the integration process one can eliminate the repeated action of taking the storage medium in or out of a pocket, a wallet, or a bag. The process further reduces a possibility of losing the storage medium resulted in frequent requirement of presenting it close to its reading device.

In view of Miyata reference, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the integration step of combining a non-contact type data storage medium with a human wearable object such as a wristwatch in addition to a non-contact card type data storage device of Sher due to the fact that

the data storage medium can be read by a reading device without taking it in and out of a pocket, a wallet or a bag frequently for the purposes of providing convenience to the data storage medium holder and reducing the possibility of losing the device. Furthermore, such modification of integrating a data storage medium into a wristwatch would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

Re claim 20, Sher in view of Miyata discloses the server as recited in rejected claim 19 stated above, where the guest data object further includes a second data field to contain information related to credit or debit card information of said guest (106 and 107 of Fig. 6A and col. 5, ll. 20-25).

Re claim 21, Sher in view of Miyata discloses the server as recited in rejected claim 19 stated above, where the guest data object further includes a second data field to containing information related to a digital photograph of said guest (col. 4, ll. 61-65).

Re claims 23 and 26, Sher in view of Miyata discloses the server as recited in rejected claims 22 and 25 stated above, where the guest data object further includes a third data field to contain information related to credit or debit card information of said guest (106 and 107 of Fig. 6A and col. 5, ll. 20-25).

Re claims 24 and 27, Sher in view of Miyata discloses the server as recited in rejected claims 22 and 25 stated above, where the guest data object further includes a fourth data field to containing information related to a digital photograph of said guest (col. 4, ll. 61-65).

Response to Arguments

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant's arguments and remarks have been carefully considered. In view of the new ground of rejection (35 U.S.C. § 103 (a)), the arguments are moot. Furthermore, previously cited prior arts (Sher (US 5,566,327) in view of Miyata (US 6,484,947)) read on amended claims. For example, Sher discloses a computerized theme park information system and method of using the same that comprises a smart card containing digital information about a user. The information includes a demographic data, financial data, and biometric data. Miyata discloses a portable and wearable data storage medium that communicates with an external device. This non-contact type storage device is particularly convenient in crowded areas such as sports stadiums, large-scale exhibition halls, amusement parks and skiing grounds. The user does not have to carry a separate wallet to pay for services or charges, and there is less chance of losing the wearable storage device. Accordingly, the claims 1-27 are rejected under 35 U.S.C. § 103 (a).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 703-308-6190. The examiner can normally be reached on Mon - Fri (7:00am-3:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

Steven Paik

Steven S. Paik
Examiner
Art Unit 2876

ssp
October 19, 2003



**KARL D. FRECH
PRIMARY EXAMINER**